

FIRST REGULAR SESSION

SENATE BILL NO. 504

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 14, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2225S.02I

AN ACT

To amend chapter 261, RSMo, by adding thereto five new sections relating to sustainable agriculture and local foods.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 261, RSMo, is amended by adding thereto five new sections, to be known as sections 261.325, 261.328, 261.331, 261.334, and 261.337, to read as follows:

261.325. 1. Sections 261.325 to 261.337 may be referred to and cited as the "Sustainable Agriculture and Local Foods Initiative".

2. For the purposes of sections 261.325 to 261.337, the following terms shall mean:

(1) "Locally grown and processed", food products grown in the state and, to the extent processing was required, processed in the state;

(2) "Micro agricultural enterprise", an operation with five or less employees and forty thousand dollars or less in start-up funding that will produce or process agricultural products in Missouri.

(3) "Percentage price preference", the percent by which a responsive bid by a responsible bidder whose product is locally grown and processed may exceed the lowest responsive bid by a responsible bidder whose product is not locally grown and processed;

(4) "Small farmer and business", an agricultural operation based in Missouri that produces or processes food products and that has gross annual sales of less than two hundred fifty thousand dollars or an agribusiness based in Missouri that produces or processes food products and has less than five million in gross annual sales.

3. There is hereby created the "Office of Sustainable Agriculture and Local Foods" to be housed within the department of

21 agriculture. The office of sustainable agriculture and local foods shall
22 employ staff consisting of not less than one full-time or the equivalent
23 of one full-time program staff member and one full-time or the
24 equivalent of one full-time administrative assistant.

25 4. The mission of the office of sustainable agriculture and local
26 foods created in this section shall be to improve the climate for
27 agricultural products that are produced or processed by small farmers
28 and businesses and to promote a sustainable Missouri food system. To
29 accomplish this mission, the office will provide technical and financial
30 assistance to small farmers and businesses for the branding, marketing,
31 and distribution of sustainable, natural, and organic Missouri
32 agricultural products.

33 5. The duties of the office of sustainable agriculture and local
34 foods shall be to:

35 (1) Administer the Missouri farm-to-cafeteria program created
36 under section 261.328;

37 (2) Administer the beginning farmer program created under
38 section 261.331;

39 (3) Administer the Missouri-branded program created under
40 section 261.334;

41 (4) Administer the new markets program created under section
42 261.337;

43 (5) Administer up to two million in tax credits for the acquisition
44 of best management practice technology by small farmers and
45 businesses;

46 (6) Promulgate rules for the programs in this section. Any rule
47 or portion of a rule, as that term is defined in section 536.010, RSMo,
48 that is created under the authority delegated in this section shall
49 become effective only if it complies with and is subject to all of the
50 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
51 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
52 of the powers vested with the general assembly pursuant to chapter
53 536, RSMo, to review, to delay the effective date, or to disapprove and
54 annul a rule are subsequently held unconstitutional, then the grant of
55 rulemaking authority and any rule proposed or adopted after August
56 28, 2007, shall be invalid and void;

57 (7) Administer funding appropriated or received for its

58 operations and programs.

261.328. 1. The office of sustainable agriculture and local foods
2 created under section 261.325 shall administer the "Missouri Farm-to-
3 Cafeteria Program", which is hereby created. The program shall:

4 (1) Provide technical assistance to assist small farmers and
5 businesses in selling their agricultural products to local, state, and
6 national government organizations;

7 (2) Create a ten percent reimbursement voucher for the sale of
8 locally grown and processed foods for small farmers and businesses
9 who sell to Missouri school districts;

10 (3) Provide annual purchasing grants to Missouri school districts
11 to offset the costs of purchasing and acquiring food produced by small
12 farmers and businesses;

13 (4) Require that state institutions, including, but not limited to,
14 higher education institutions, hospitals, and correctional facilities
15 establish a percentage price preference, not to exceed ten percent for
16 locally grown and processed foods by small farmers and businesses;

17 (5) Work with other state agencies to assist in their purchasing
18 of locally grown and processed foods by small farmers and businesses;

19 (6) Work with the department of education and secondary
20 education to develop a plan for the purchasing of locally grown and
21 processed foods from small farmers and businesses.

22 2. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

23 (1) The provisions of the new program authorized under this
24 section shall automatically sunset six years after the effective date of
25 this section unless reauthorized by an act of the general assembly; and

26 (2) If such program is reauthorized, the program authorized
27 under this section shall automatically sunset twelve years after the
28 effective date of the reauthorization of this section; and

29 (3) This section shall terminate on September first of the
30 calendar year immediately following the calendar year in which the
31 program authorized under this section is sunset.

261.331. 1. The office of sustainable agriculture and local foods
2 created under section 261.325 shall administer the "Beginning Farmer
3 Program", which is hereby created. The program shall:

4 (1) Organize and administer a mentoring program to connect
5 aging farmers and ranchers with young people interested in becoming

6 involved in agriculture;

7 (2) Notwithstanding any law to the contrary, utilize not less than
8 five hundred thousand dollars of funding authorized for agriculture
9 linked deposits under section 30.753, RSMo, for the purpose of funding
10 micro agricultural enterprises.

11 2. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

12 (1) The provisions of the new program authorized under this
13 section shall automatically sunset six years after the effective date of
14 this section unless reauthorized by an act of the general assembly; and

15 (2) If such program is reauthorized, the program authorized
16 under this section shall automatically sunset twelve years after the
17 effective date of the reauthorization of this section; and

18 (3) This section shall terminate on September first of the
19 calendar year immediately following the calendar year in which the
20 program authorized under this section is sunset.

261.334. 1. For purposes of this section, the term "agricultural
2 product" shall have the same meaning as in section 348.400.

3 2. The office of sustainable agriculture and local foods created
4 under section 261.325 shall administer a Missouri-branded program for
5 small farms and businesses. Such program shall:

6 (1) Assist small farmers and businesses market within the state
7 locally grown and processed agricultural products;

8 (2) Assist in the coordination of the aggregation of agricultural
9 products for sale or distribution; and

10 (3) Establish a marketing plan for agricultural products
11 produced by small farmers and businesses.

12 3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

13 (1) The provisions of the new program authorized under this
14 section shall automatically sunset six years after the effective date of
15 this section unless reauthorized by an act of the general assembly; and

16 (2) If such program is reauthorized, the program authorized
17 under this section shall automatically sunset twelve years after the
18 effective date of the reauthorization of this section; and

19 (3) This section shall terminate on September first of the
20 calendar year immediately following the calendar year in which the
21 program authorized under this section is sunset.

261.337. 1. The office of sustainable agriculture and local foods

2 created under section 261.325 shall administer the "New Markets
3 Program" in which ten new farmer's markets shall be created in the
4 state each year for ten years. For purposes of this section, a "farmer's
5 market" shall be a market place where small farmers and businesses
6 compose the majority of the vendors.

7 2. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

8 (1) The provisions of the new program authorized under this
9 section shall automatically sunset six years after the effective date of
10 this section unless reauthorized by an act of the general assembly; and

11 (2) If such program is reauthorized, the program authorized
12 under this section shall automatically sunset twelve years after the
13 effective date of the reauthorization of this section; and

14 (3) This section shall terminate on September first of the
15 calendar year immediately following the calendar year in which the
16 program authorized under this section is sunset.

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